
In the High Court of Punjab & Haryana at Chandigarh.

Date of decision : 15.12.2006.

Krishan Lal Rinwa

.... Petitioner

vs

The Haryana Co-operative Sugar Mills Limited, Rohtak, and others

.....Respondents.

Coram Hon'ble Ms. Justice Kiran Anand Lall.

Present: Mr.D.S.Patwalia,Advocate,for the petitioner.

Kiran Anand Lall, J.

Both the courts below having declined the relief of temporary injunction to the petitioner, he has come up in revision to this court, under Article 227 of the Constitution of India, against those orders.

The claim of the petitioner in the suit is that his right of promotion to the post of Deputy Chief Chemist has been declined by the respondents, illegally. Interim relief of temporary injunction for restraining the respondents from filling up the post of Deputy Chief Chemist, till the decision of the suit, was also claimed by him but that was declined by the trial court and also the first appellate court.

The fact that one of the eligibility conditions for the post under reference is that the candidate should possess a Post Graduate Diploma from the National Sugar Institute, Kanpur, is not in dispute. Concededly, the petitioner does not possess this diploma. The diploma which he possesses is from Annamalai University. And the question as to whether the diploma from Annamalai University is equivalent to the diploma of the National Sugar Institute, Kanpur is a disputed question of fact, which cannot be

decided, at this stage, without recording the evidence of the parties. In this regard, it would be useful to reproduce para no.6 of the order of the appellate court, which reads as under:-

“6. It is not disputed that a candidate must possess a B.Sc. degree with Physics, Chemistry and Mathematics as subjects and diploma in Sugar Technology from National Sugar Institute, Kanpur as essential qualifications for appointment/ promotion to the post of Deputy Chief Chemist. Admittedly, appellant does not hold the requisite diploma from National Sugar Institute, Kanpur. Appellant claims that diploma awarded by Annamalai University is equivalent to the above said diploma of National Sugar Institute, Kanpur. This is a disputed question of fact that cannot be decided without evidence before learned trial court.”

The above observations of the appellate court are self-speaking and are, by themselves, sufficient to uphold the order passed on the basis thereof. The observation of the appellate court that if the petitioner succeeds in establishing his claim to the promotional post, at a subsequent stage, he can be compensated adequately in terms of money, seniority etc., has merit in it.

The petition is, thus, liable to fail, on the above-mentioned short ground.

Dismissed.

15.12.2006.
vs.

(Kiran Anand Lall)
Judge.